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PP RUEHWEB

DE RUEHC #4996 1260828
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FM SECSTATE WASHDC
TO RUEHAD/AMEMBASSY ABU DHABI PRIORITY 3965-3971
RUEHAS/AMEMBASSY ALGIERS PRIORITY 2945-2952
RUEHLB/AMEMBASSY BEIRUT PRIORITY 0465-0465
RUEHHI/AMEMBASSY HANOI PRIORITY 9304-9311
RUEHJA/AMEMBASSY JAKARTA PRIORITY 3580-3587
RUEHMK/AMEMBASSY MANAMA PRIORITY 6157-6164
RUEHMS/AMEMBASSY MUSCAT PRIORITY 0518-0525
RUEHPL/AMEMBASSY PORT LOUIS PRIORITY 2736-2743
RUEHRH/AMEMBASSY RIYADH PRIORITY 1659-1667
RUEHYN/AMEMBASSY SANAA PRIORITY 9050-9057
INFO MISSILE TECHNOLOGY CONTROL REGIME COLLECTIVE PRIORITY

UNCLAS STATE 044996

SENSITIVE

C O R R E C T E D C O P Y (ADDING SENSITIVE CAPTION)

SIPDIS

E.O. 12958: N/A

TAGS: [MTCRE](#) [PREL](#) [MNUC](#) [KSCA](#) [ETTC](#) [TSPA](#)

SUBJECT: HCOC - ENCOURAGING ADDITIONAL COUNTRIES TO
SUBSCRIBE (PART II)

REF: A. 02 STATE 209829

[B](#). 02 STATE 237600

[C](#). 02 STATE 238689

[D](#). 02 STATE 259795

[1](#). (U) This is an action request. Please see para 4.

[2](#). (SBU) Background: Per reftels, the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC; also known as the International Code of Conduct, or ICOC; text at para 5) was formally brought into effect on November 25, 2002 at a Launching Conference hosted by the Netherlands in The Hague. Since then, HCOC Subscribing States have held several meetings to further elaborate issues relating to the HCOC's implementation, including pre-launch notifications and Subscribing States' annual declarations on space and ballistic missile policies. As of April 2009, 130 countries have subscribed to the HCOC (see para 7).

-- The HCOC is aimed at bolstering efforts to curb ballistic missile proliferation worldwide, and to further delegitimize such proliferation. The HCOC consists of a set of general principles, modest commitments, and limited confidence-building measures. It is intended to supplement, not supplant, the Missile Technology Control Regime (MTCR), and is administered collectively by all of the countries that subscribe to it. There is not a formal secretariat or implementing organization, and thus we do not foresee any financial burden for most Subscribing States. The HCOC will hold its Eighth Regular Meeting on May 28-29, 2009 in Vienna.

-- On December 2, 2008, 159 nations voted in favor of a resolution in the UN General Assembly supporting the HCOC (GA Resolution 63/64). This support shows that the Code is relevant and legitimate.

-- In light of the overwhelming support for the UNGA resolution, we want to approach action addressee countries which have not yet subscribed to the HCOC and did not vote in favor of the UNGA HCOC resolution to impress upon them the widespread support for and legitimacy of the HCOC. (Note: only one country - Iran - actually voted against the HCOC. Eighteen countries

abstained while others did not record a vote. End note.) The fact of the resolution leads us to redouble our efforts to convince as many countries as possible to subscribe to the HCOC, highlighting the large and diverse number of current subscribers. (Note: Septel being sent to non-subscribing countries that voted in favor of the UN resolution. End note.)

¶3. (U) Objective: We want to encourage non-subscribing countries to subscribe to the HCOC.

¶4. (SBU) Action Request: Drawing on the talking points and other information in paras 5-8 below (which may be left as non-papers), request post approach appropriate senior-level host government officials at the earliest opportunity and urge them to subscribe to the HCOC. Post is requested to report reply via cable slugged for ISN/MTR with "HCOC" in the subject line.

¶5. (SBU) Begin Text of Talking Points:

-- The United States urges your country to join us and 129 other countries in actively supporting international missile nonproliferation efforts by subscribing to the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC).

-- We have previously approached your government concerning the HCOC because the U.S. and the other 129 Subscribing States view the HCOC as an important and meaningful way to help curb the proliferation of ballistic missiles capable of delivering weapons of mass destruction (WMD) - proliferation declared by the UN Security Council in Resolution 1540 to represent a threat to international peace and security.

-- The HCOC is a political commitment that is open to all countries' voluntary subscription. By subscribing, countries show their support for halting the spread of ballistic missiles capable of delivering nuclear, chemical, and biological weapons.

-- Because the HCOC is not a treaty or other legally binding obligation, the vast majority of countries are able to subscribe as an executive act without any need for parliamentary approval or ratification. There are no assessed contributions or other monetary costs of subscribing.

-- The current 130 Subscribing States include countries from sub-Saharan Africa (such as Eritrea, Kenya, Liberia, Nigeria and South Africa), Central and South America (including Argentina, Costa Rica, Guatemala, and Peru), North Africa and the Middle East (including Jordan, Libya, Morocco, and Turkey), Central and West Asia and the Caucasus (including Azerbaijan, Georgia, Kazakhstan and Tajikistan) and the Asia-Pacific region (including Australia, Cambodia, Japan, South Korea, and the Philippines), as well as all members of the European Union.

-- The subscription of such a large and diverse group of countries shows that there is widespread support for the HCOC and the idea that (1) the proliferation of WMD capable ballistic missiles should be impeded, and (2) that countries should voluntarily cooperate to impede this proliferation.

-- This notion is underlined by the December 2, 2008 approval by 159 countries in the UN General Assembly of a resolution endorsing the HCOC (GA Resolution 63/64).

-- Among the non-subscribing countries that voted in favor of the UN resolution are Kuwait and Iraq in the Middle East; Botswana and Cote d'Ivoire in Africa; Nepal, Bhutan and Sri Lanka in South Asia; and Singapore, Thailand and Brunei in East Asia.

-- We know your country shares the same concerns about missile proliferation as the subscribers to the HCOC, and therefore we strongly urge you to join with us and subscribe. This will allow you to make a concrete political contribution to addressing the global missile threat.

-- Your subscription to the HCOC would be greatly appreciated by the United States.

-- Your country can subscribe by simply sending a Note Verbale to the Government of Austria, which is the Executive Secretary of the HCOC. (Hand over example note at para 8.)

-- We would be happy to answer any questions you may have about the HCOC, and look forward to your subscribing soon.

END TEXT OF TALKING POINTS

¶6. (U) The government of the Netherlands distributed the HCOC text to all countries invited to the November 2002 Launching Conference. The text is repeated below. Department also has the text in French, Spanish, and Russian available upon request to ISN/MTR.

Begin text of HCOC:

International Code of Conduct against Ballistic Missile Proliferation

Preamble

The Subscribing States:

Reaffirming their commitment to the United Nations Charter;

Stressing the role and responsibility of the United Nations in the field of international peace and security;

Recalling the widespread concern about the proliferation of weapons of mass destruction and their means of delivery;

Recognizing the increasing regional and global security challenges caused, inter alia, by the ongoing proliferation of Ballistic Missile systems capable of delivering weapons of mass destruction;

Seeking to promote the security of all states by fostering mutual trust through the implementation of political and diplomatic measures;

Having taken into account regional and national security considerations;

Believing that an International Code of Conduct against Ballistic Missile Proliferation will contribute to the process of strengthening existing national and international security arrangements and disarmament and non-proliferation objectives and mechanisms;

Recognising that Subscribing States may wish to consider engaging in co-operative measures among themselves to this end;

¶1. Adopt this International Code of Conduct against Ballistic Missile Proliferation (hereinafter referred to as 'the Code');

¶2. Resolve to respect the following Principles:

a) Recognition of the need comprehensively to

prevent and curb the proliferation of Ballistic Missile systems capable of delivering weapons of mass destruction and the need to continue pursuing appropriate international endeavors, including the Code;

b) Recognition of the importance of strengthening, and gaining wider adherence to, multilateral disarmament and non-proliferation mechanisms;

c) Recognition that adherence to, and full compliance with, international arms control, disarmament and non-proliferation norms help build confidence as to the peaceful intentions of states;

d) Recognition that participation in this Code is voluntary and open to all states;

e) Confirmation of their commitment to the United Nations Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States taking into particular Account the Needs of Developing Countries, adopted by the United Nations General Assembly (Resolution 51/122 of 13 December 1996);

f) Recognition that states should not be excluded from utilising the benefits of space for peaceful purposes, but that, in reaping such benefits and in conducting related cooperation, they must not contribute to the proliferation of Ballistic Missiles capable of delivering weapons of mass destruction;

g) Recognition that Space Launch Vehicle programmes should not be used to conceal Ballistic Missile programmes;

h) Recognition of the necessity of appropriate transparency measures on Ballistic Missile programmes and Space Launch Vehicle programmes in order to increase confidence and to promote non-proliferation of Ballistic Missiles and Ballistic Missile technology;

13. Resolve to implement the following General Measures:

a) To ratify, accede to or otherwise abide by:
- the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (1967),
- the Convention on International Liability for Damage Caused by Space Objects (1972),
- the Convention on Registration of Objects Launched into Outer Space (1975);

b) To curb and prevent the proliferation of Ballistic Missiles capable of delivering weapons of mass destruction, both at a global and regional level, through multilateral, bilateral and national endeavours;

c) To exercise maximum possible restraint in the development, testing and deployment of Ballistic Missiles capable of delivering weapons of mass destruction, including, where possible, to reduce national holdings of such missiles, in the interest of global and regional peace and security;

d) To exercise the necessary vigilance in the consideration of assistance to Space Launch Vehicle programmes in any other country so as to prevent contributing to delivery systems for weapons of mass destruction, considering that such programmes may be used to conceal Ballistic Missile programmes;

e) Not to contribute to, support or assist any Ballistic Missile programme in countries which might be developing or acquiring weapons of mass destruction in

contravention of norms established by, and of those countries, obligations under, international disarmament and non-proliferation treaties;

14. Resolve to implement the following:

a) Transparency measures as follows, with an appropriate and sufficient degree of detail to increase confidence and to promote non-proliferation of Ballistic Missiles capable of delivering weapons of mass destruction:

i) With respect to Ballistic Missile programmes to:

- make an annual declaration providing an outline of their Ballistic Missile policies. Examples of openness in such declarations might be relevant information on Ballistic Missiles systems and land (test-) launch sites;
- provide annual information on the number and generic class of Ballistic Missiles launched during the preceding year, as declared in conformity with the pre-launch notification mechanism referred to hereunder, in tiret iii);

ii) with respect to expendable Space Launch Vehicle programmes, and consistent with commercial and economic confidentiality principles, to:

- make an annual declaration providing an outline of their Space Launch Vehicle policies and land (test-) launch sites;
- provide annual information on the number and generic class of Space Launch Vehicles launched during the preceding year, as declared in conformity with the pre-launch notification mechanism referred to hereunder, in tiret iii);
- consider, on a voluntary basis (including on the degree of access permitted), inviting international observers to their land (test-) launch sites;

iii) with respect to their Ballistic Missile and Space Launch Vehicle programmes to:

- exchange pre-launch notifications on their Ballistic Missile and Space Launch Vehicle launches and test flights. These notifications should include such information as the generic class of the Ballistic Missile or Space Launch Vehicle, the planned launch notification window, the launch and the planned direction;

b) Subscribing States could, as appropriate and on a voluntary basis, develop bilateral or regional transparency measures, in addition to those above.

c) Implementation of the above confidence building measures does not serve as justification for the programmes to which these confidence building measures apply;

15. Organisational aspects

Subscribing States determine to:

a) Hold regular meetings, annually or as otherwise agreed by Subscribing States;

b) Take all decisions, both substantive and procedural, by a consensus of the Subscribing States present;

c) Use these meetings to define, review and further develop the workings of the Code, including in such ways as:

- establishing procedures regarding the exchange of notifications and other information in the framework of the Code;
- establishing an appropriate mechanism for the voluntary resolution of questions arising from national declarations, and/or questions pertaining to Ballistic

Missile and/or Space Launch Vehicle programmes;
- naming of a subscribing state to serve as an immediate central contact for collecting and disseminating Confidence Building Measures submissions, receiving and announcing the subscription of additional States, and other tasks as agreed by Subscribing States; and
- others as may be agreed by the Subscribing States, including possible amendments to the Code.

¶7. (U) List of Subscribing States as of April, 2009.

- ¶1. Afghanistan
- ¶2. Albania
- ¶3. Andorra
- ¶4. Argentina
- ¶5. Armenia
- ¶6. Australia
- ¶7. Austria
- ¶8. Azerbaijan
- ¶9. Belarus
- ¶10. Belgium
- ¶11. Benin
- ¶12. Bosnia and Herzegovina
- ¶13. Bulgaria
- ¶14. Burkina Faso
- ¶15. Burundi
- ¶16. Cambodia
- ¶17. Cameroon
- ¶18. Canada
- ¶19. Cape Verde
- ¶20. Chad
- ¶21. Chile
- ¶22. Colombia
- ¶23. Comoros
- ¶24. Cook Islands
- ¶25. Costa Rica
- ¶26. Croatia
- ¶27. Cyprus
- ¶28. Czech Republic
- ¶29. Denmark
- ¶30. Dominican Republic
- ¶31. Ecuador
- ¶32. El Salvador
- ¶33. Eritrea
- ¶34. Estonia
- ¶35. Ethiopia
- ¶36. Fiji
- ¶37. Finland
- ¶38. France
- ¶39. Gabon
- ¶40. Gambia
- ¶41. Georgia
- ¶42. Germany
- ¶43. Ghana
- ¶44. Greece
- ¶45. Guatemala
- ¶46. Guinea
- ¶47. Guinea-Bissau
- ¶48. Guyana
- ¶49. Haiti
- ¶50. Holy See
- ¶51. Honduras
- ¶52. Hungary
- ¶53. Iceland
- ¶54. Ireland
- ¶55. Italy
- ¶56. Japan
- ¶57. Jordan
- ¶58. Kazakhstan
- ¶59. Kenya
- ¶60. Kiribati
- ¶61. Latvia
- ¶62. Liberia
- ¶63. Libyan Arab Jamahiriya
- ¶64. Liechtenstein
- ¶65. Lithuania

- ¶66. Luxembourg
- ¶67. Madagascar
- ¶68. Malawi
- ¶69. Maldives
- ¶70. Mali
- ¶71. Malta
- ¶72. Marshall Islands
- ¶73. Mauritania
- ¶74. Micronesia (Federated States of)
- ¶75. Monaco
- ¶76. Mongolia
- ¶77. Montenegro
- ¶78. Morocco
- ¶79. Mozambique
- ¶80. Netherlands
- ¶81. New Zealand
- ¶82. Nicaragua
- ¶83. Niger
- ¶84. Nigeria
- ¶85. Norway
- ¶86. Palau
- ¶87. Panama
- ¶88. Papua New Guinea
- ¶89. Paraguay
- ¶90. Peru
- ¶91. Philippines
- ¶92. Poland
- ¶93. Portugal
- ¶94. Republic of Korea
- ¶95. Republic of Macedonia
- ¶96. Republic of Moldova
- ¶97. Romania
- ¶98. Russian Federation
- ¶99. Rwanda
- ¶100. Samoa
- ¶101. San Marino
- ¶102. Senegal
- ¶103. Serbia
- ¶104. Seychelles
- ¶105. Sierra Leone
- ¶106. Slovakia
- ¶107. Slovenia
- ¶108. South Africa
- ¶109. Spain
- ¶110. Sudan
- ¶111. Suriname
- ¶112. Sweden
- ¶113. Switzerland
- ¶114. Tanzania
- ¶115. Tajikistan
- ¶116. Timor-leste
- ¶117. Tonga
- ¶118. Tunisia
- ¶119. Turkey
- ¶120. Turkmenistan
- ¶121. Tuvalu
- ¶122. Uganda
- ¶123. Ukraine
- ¶124. United Kingdom
- ¶125. United States
- ¶126. Uruguay
- ¶127. Uzbekistan
- ¶128. Vanuatu
- ¶129. Venezuela
- ¶130. Zambia

¶8. (SBU) Begin text of example Note Verbale:

The Ministry of Foreign Affairs of (country) presents its compliments to the Ministry of Foreign Affairs of the Government of Austria and has the honour to inform the Republic of Austria that (country) wishes to become a subscribing state to the Hague Code of Conduct against Ballistic Missile Proliferation, which was adopted at an international launching conference held at The Hague on 25 and 26 November 2002, and that it wishes (country) to be included in the list of Subscribing States that will serve as an annex to the

aforementioned Code of Conduct.

Done at (capital)

Date

Seal

19. (U) Please contact ISN/MTR's John Paul Herrmann with any questions or follow-up issues related to this case (202-647-1430 - herrmannjp@state.sgov.gov or herrmannjp2@state.gov) and slug reporting on this issue for ISN/MTR.
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